

ORDINANCE NO. 5020

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RESIDENTIAL TO COMMERCIAL, AND FROM COMMERCIAL TO RESIDENTIAL, ON PORTIONS OF AN EXISTING PROPERTY AND LOT OF RECORD, AND REZONING PORTIONS OF SAID PROPERTY FROM A COMBINATION OF EF-40 (EXCLUSIVE FARM USE – 40-ACRE MINIMUM), R-1 (SINGLE FAMILY RESIDENTIAL), AND C-3 (GENERAL COMMERCIAL) TO ONLY R-1 (SINGLE FAMILY RESIDENTIAL) AND C-3 (GENERAL COMMERCIAL).

RECITALS:

The Planning Department received applications (CPA 1-17 / ZC 1-17 / ZC 2-17) from Creekside Homes LLC dated January 30, 2017 requesting approval of a Comprehensive Plan Map amendment on portions of an existing lot of record. The existing property is in the process of being partitioned, and is designated as both Residential and Commercial. The applicant requested that the northern parcel be designated as Residential and the southern parcel be designated as Commercial. Concurrent with this request, the applicant requested approval of zone changes on the property, rezoning the northern parcel from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum) and R-1 (Single Family Residential) to only R-1 (Single Family Residential), and rezoning the southern parcel from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3 (General Commercial); and

The subject site is located at 2121 NE 27<sup>th</sup> Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on March 16, 2017 at 6:30 p.m. before the McMinnville Planning Commission after due notice had been provided in the local newspaper on March 3, 2017, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, and the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the comprehensive plan amendment and zone change review criteria listed in Section 17.74.020 of the McMinnville Zoning Ordinance based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibits A - C; and

The Planning Commission recommended approval of said comprehensive plan amendment and zone changes to the Council; and

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That the Council adopts the findings and conclusions of the Planning Commission as documented in Exhibits A -C.

2. That the comprehensive plan map designations for the property described in Exhibit A are hereby amended to Residential on the northern parcel and Commercial on the southern parcel, subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be designated Residential and the proposed Parcel 2 from the partition request (MP 7-16) be designated Commercial on the McMinnville Comprehensive Plan Map.

3. That the northern parcel on the property, as described in Exhibit B, is hereby rezoned from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum) and R-1 (Single Family Residential) to only an R-1 (Single Family Residential) zone, subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be rezoned to R-1 Single Family Residential.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.

4. That the southern parcel on the property, as described in Exhibit C, is hereby rezoned from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3 (General Commercial), subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete

all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).

2. That the proposed Parcel 2 from the partition request (MP 7-16) be rezoned to C-3 General Commercial.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.
4. Prior to any future building permits being issued for the northern parcel to be zoned R-1 Single Family Residential, the applicant shall install landscaping on the west property line of the southern parcel, to be zoned C-3 General Commercial, to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as required by Comprehensive Plan Policy 32.00. At such time, the applicant shall submit a landscape plan to be reviewed and approved by the Landscape Review Committee subject to the provisions in Chapter 17.57 (Landscaping) of the McMinnville Zoning Ordinance.

Passed by the Council this 26<sup>th</sup> day of April 2017, by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Ruden

Nays: \_\_\_\_\_

Approved this 26<sup>th</sup> day of April 2017.



MAYOR

Attest:

  
CITY RECORDER

Approved as to form:

  
CITY ATTORNEY